NEXUS RESEARCH PUBLISHING

Journal of Civil Business and Labor Law (JCBLL)

Volume 1, Number 1, 2026
Open Access: https://journal.nexuspublishing.id/jcbll

Transnational Crime and Organized Crime: Toward a Harmonized Framework for International Criminal Law Enforcement

Chairul Aman[1], **Umar Husin**[2]
[1] Fakultas Hukum, Universitas Dharma Indonesia, Banten, Indonesia.
[2] Fakultas Hukum Universitas Nasional, Jakarta, Indonesia.

Correspondence: chairulaman@gmail.com
Email: chairulaman@gmail.com,[1] umarhusin@gmail.com [2]

Article Info

Article history:
Received Mei 2th, 20xx
Revised Jun 9th, 20xx
Accepted Jul 26th, 20xx

Keyword:
Transnational Crime; Organized Crime; Asset Recovery; Legal Harmonization;;

ABSTRACT

This study examines the relationship between transnational crime and organized crime using a normative juridical and comparative approach. Globalization, technological advancement, and economic integration have transformed criminal activities into complex cross-border networks. The findings indicate that most transnational crimes rely on organized criminal structures that provide logistics, financing, money laundering mechanisms, and corruption-based protection systems. Existing legal frameworks remain fragmented and often ineffective in addressing network-based criminality. This article proposes legal reform through harmonization of international regulations, strengthening asset recovery mechanisms, expansion of international cooperation, and integrated law enforcement strategies. These measures are expected to improve the effectiveness of combating transnational organized crime in Indonesia and globally.

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INTRODUCTION

Globalization has fundamentally transformed the structure of economic, political, technological, and social interactions among states. The intensification of cross-border mobility involving people, goods, services, information, technology, and capital has contributed significantly to international trade, investment, economic integration, and global cooperation. Advances in transportation, digital communication, and financial technology have further reduced geographical barriers and facilitated increasingly complex interactions among individuals, corporations, governments, and other non-state actors. At the same time, however, the mechanisms that facilitate legitimate cross-border activities have also created opportunities for criminal actors to expand their operations beyond national jurisdictions (UNODC: 2010).

Transnational crime has consequently developed into a complex challenge for contemporary criminal justice systems. Criminal activities that were historically concentrated within national territories can now be planned, financed, coordinated, and executed across several jurisdictions. Criminal actors may operate in one country, transfer illicit proceeds through financial institutions in another jurisdiction, communicate through digital infrastructure located elsewhere, and conceal criminal assets in yet another state. Such geographical dispersion creates substantial difficulties for law enforcement authorities because criminal investigations and prosecutions remain strongly connected to territorial jurisdiction, while criminal networks increasingly operate across territorial boundaries (UNODC: 2004; Clark et al.: 2021).

The development of transnational criminality is closely connected with the evolution of organized crime. Contemporary criminal organizations exploit international transportation systems, digital communication, financial infrastructure, and differences among national jurisdictions to facilitate illicit markets. Transnational organized crime encompasses a broad range of profit-oriented criminal activities, including drug trafficking, trafficking in persons, migrant smuggling, money laundering, illicit firearms trafficking, trafficking in wildlife and cultural property, counterfeit goods, and certain forms of cybercrime (UNODC: 2010). These activities demonstrate that contemporary organized crime cannot adequately be understood exclusively through the traditional image of rigid and hierarchical criminal organizations.

Contemporary scholarship increasingly emphasizes the importance of understanding organized crime through a network perspective. Criminal cooperation may involve flexible relationships among offenders, facilitators, intermediaries, professionals, legitimate businesses, and other actors rather than membership in a single, formally structured organization. A network perspective therefore provides a more nuanced framework for examining how individuals cooperate, how criminal groups establish their boundaries, and how criminal activities interact with legitimate social and economic structures (Bouchard: 2020). Recent scholarship further demonstrates that criminal network analysis has significantly contributed to understanding the complex and fluid relationships underlying organized criminal activities (von Lampe: 2026).

The network perspective is particularly relevant because organized criminal structures vary according to their activities, objectives, markets, and governance functions. Empirical research demonstrates that organized crime groups cannot necessarily be reduced to a uniform organizational model; their structures may differ depending on whether they engage primarily in illicit trade, production, territorial governance, or combinations of these activities (Breuer & Varese: 2023). Consequently, contemporary organized crime should be examined not merely as a collection of identifiable criminal organizations but as a dynamic system of relationships through which criminal actors obtain resources, information, protection, market access, and financial benefits.

This development suggests that transnational crime and organized crime should not always be treated as entirely separate legal phenomena. Transnationality primarily concerns the cross-border dimension of criminal conduct, whereas organized crime concerns the organizational structure, continuity, coordination, and collective character of criminal activities. In practice, however, these dimensions frequently overlap. Organized criminal groups may utilize transnational networks to diversify their activities, reduce the risk of detection, exploit jurisdictional differences, and gain access to international illicit markets. Conversely, many serious transnational offenses depend upon organized structures capable of coordinating activities across jurisdictions (UNODC: 2004; Bouchard: 2020).

The international community has recognized the seriousness of this problem through the establishment of the United Nations Convention against Transnational Organized Crime (UNTOC). Adopted by the United Nations General Assembly in 2000, UNTOC constitutes the principal international legal framework specifically designed to promote cooperation in preventing and combating transnational organized crime. The Convention establishes a legal framework concerning participation in an organized criminal group, money laundering, corruption, and obstruction of justice, while also regulating important aspects of extradition, mutual legal assistance, confiscation and seizure, law-enforcement cooperation, and international cooperation (United Nations: 2000).

UNTOC is particularly significant because it establishes a legal understanding of both an “organized criminal group” and the circumstances under which an offense may be regarded as transnational. Under Article 2(a), an organized criminal group is essentially understood as a structured group of three or more persons existing for a period of time and acting together with the objective of

committing serious crimes or offenses established under the Convention in order to obtain financial or other material benefits. Article 3(2), meanwhile, provides the transnational dimension of offenses by recognizing circumstances involving conduct, preparation, control, participation, or substantial effects extending beyond a single state (United Nations: 2000).

This framework demonstrates that the legal response to transnational organized crime cannot be confined to the prosecution of individual perpetrators of predicate offenses. Organized criminal enterprises may maintain operational continuity even after individual members have been arrested or prosecuted because leadership, operational responsibilities, logistical functions, and financial resources may be transferred to other actors within the network. Research into organized crime networks demonstrates the importance of examining relationships among participants rather than assuming the existence of simple or rigid organizational structures (Bouchard: 2020; von Lampe: 2026).

The financial dimension is particularly important in this context. Many forms of transnational organized crime are economically motivated and depend upon the ability of criminal actors to generate, conceal, transfer, and reinvest illicit proceeds. Money obtained through criminal activity can provide organizations with the resources necessary to sustain operations, finance subsequent offenses, recruit participants, acquire logistical infrastructure, corrupt officials, and penetrate legitimate economic activities. Consequently, criminal enforcement strategies that focus solely on imprisonment without systematically targeting criminal proceeds may fail to dismantle the economic foundations that enable criminal organizations to continue operating.

Asset confiscation and recovery therefore constitute essential components of strategies against organized crime. Financial investigation enables authorities to identify the proceeds of crime and potentially disrupt the economic incentives underlying criminal enterprises. Nevertheless, empirical studies have demonstrated that substantial differences can arise between estimated criminal profits and the assets actually recovered by authorities. This “attrition” in asset recovery illustrates the practical difficulties associated with tracing, confiscating, and ultimately recovering criminal proceeds (Kruisbergen et al.: 2016).

Accordingly, an asset-oriented approach should not merely be regarded as supplementary to conventional criminal prosecution. It can function as a strategic instrument for disrupting the financial sustainability of criminal organizations. UNTOC itself recognizes the importance of confiscation and seizure of proceeds derived from offenses covered by the Convention and provides mechanisms for international cooperation for purposes of confiscation (United Nations: 2000). The effectiveness of such mechanisms, however, depends on the existence of coherent domestic legislation, effective financial investigation, institutional coordination, international cooperation, and the capacity to trace assets concealed through complex financial or corporate structures.

The challenge is equally significant from the perspective of criminal liability. Traditional criminal law generally emphasizes individual responsibility based upon identifiable conduct and culpability. Organized criminal networks, however, may distribute operational functions among numerous participants so that no single actor performs every element of the principal offense. Some individuals may provide financing, others may arrange transportation, coordinate communication, recruit participants, facilitate financial transactions, establish corporate structures, conceal assets, or otherwise contribute to the operation of the criminal enterprise. The network character of organized crime can therefore complicate the identification of responsibility when criminal liability is focused predominantly on direct perpetrators (Bouchard: 2020; Breuer & Varese: 2023).

For this reason, the concept of network criminal liability deserves further examination. This concept should not be interpreted as eliminating fundamental principles of individual culpability,

legality, proportionality, and due process. Rather, it requires consideration of whether existing criminal law adequately captures different forms of intentional participation within complex organized criminal networks. Such an approach requires analysis of organizers, controllers, financiers, facilitators, corporate actors, intermediaries, and other participants whose contributions may be essential to the functioning of a criminal network even when they do not directly execute the predicate offense.

For Indonesia, these issues have particular legal significance. Indonesia formally ratified UNTOC through Law Number 5 of 2009 concerning the Ratification of the United Nations Convention against Transnational Organized Crime. The Law was enacted and promulgated on 12 January 2009 and formally incorporated Indonesia into the international framework established by the Convention (Republic of Indonesia: 2009). The elucidation of Law Number 5 of 2009 also recognizes that transnational organized crime threatens social, economic, political, security, and international peace interests and emphasizes the importance of effective international cooperation in preventing and combating such crimes (Republic of Indonesia: 2009).

Ratification, however, does not automatically guarantee effective domestic implementation. International obligations must be translated into coherent substantive legislation, procedural mechanisms, institutional arrangements, and effective law-enforcement practices. This issue is particularly relevant because Indonesia regulates various forms of criminality associated with transnational organized crime through multiple sectoral legal instruments. The elucidation accompanying Law Number 5 of 2009 itself refers to a number of national statutes relating to extradition, narcotics, corruption, forestry, money laundering, and other areas relevant to the implementation of the Convention (Republic of Indonesia: 2009).

Such a sectoral structure creates an important legal question concerning the coherence of Indonesia's overall response to transnational organized crime. A single criminal network may simultaneously engage in trafficking, document falsification, corruption, money laundering, misuse of corporate entities, cyber-enabled communication, and cross-border transfers of illicit proceeds. If these activities are addressed exclusively through separate offense-based legal regimes, enforcement may insufficiently capture the organizational and financial relationships connecting the individual offenses into a broader criminal enterprise.

Institutional coordination presents a related challenge. Combating transnational organized crime may involve police, prosecutors, customs and immigration authorities, financial intelligence institutions, anti-corruption agencies, ministries, and other state institutions. Cases with an international dimension may additionally require extradition, mutual legal assistance, information exchange, cooperation in financial investigations, and coordination with foreign law-enforcement authorities. UNTOC expressly recognizes international cooperation as a central element of the global response to transnational organized crime (United Nations: 2000).

The transnational nature of organized crime also raises fundamental questions concerning jurisdiction and evidence. Suspects, witnesses, financial accounts, electronic data, corporate records, proceeds of crime, and other forms of evidence may be located in several jurisdictions simultaneously. Domestic authorities therefore cannot always investigate or prosecute these cases effectively through national procedures alone. Mutual legal assistance, extradition, cross-border asset tracing, information exchange, and international law-enforcement cooperation become essential components of an effective legal framework (United Nations: 2000).

Against this background, the effectiveness of legal responses to transnational organized crime should be assessed through an integrated perspective. An approach focused exclusively on individual offenses may overlook the organizational, financial, and transnational relationships connecting those

offenses. Contemporary research on organized crime networks similarly demonstrates that structural analysis requires attention to both internal relationships within criminal groups and interactions extending beyond those groups (Bouchard: 2020; von Lampe: 2026). An integrated legal framework should therefore consider criminal organization, patterns of participation, financial incentives, illicit proceeds, corporate involvement, cross-border operations, and mechanisms of international cooperation simultaneously.

Existing scholarship has extensively examined organized crime, criminal networks, transnational criminality, financial investigation, confiscation, and international cooperation. Network-based studies have significantly improved understanding of collaboration, boundaries, and structural relationships within organized crime (Bouchard: 2020; Calderoni et al.: 2020; Breuer & Varese: 2023; von Lampe: 2026). Research on asset confiscation has likewise identified significant practical challenges in converting financial investigation and confiscation orders into the actual recovery of criminal proceeds (Kruisbergen et al.: 2016). Nevertheless, these dimensions are frequently addressed as separate areas of legal and criminological inquiry.

This separation leaves an important analytical gap, particularly within the Indonesian context. There remains a need for a legal framework that systematically explains the structural interdependence between the transnational dimension of criminal activity and the organizational characteristics of criminal networks and subsequently connects that analysis with mechanisms of criminal liability and asset recovery. The critical issue is therefore not merely whether particular transnational offenses have been criminalized, but whether the overall legal architecture enables authorities to identify, prosecute, and economically dismantle the networks responsible for those offenses.

The novelty of this study lies in integrating three dimensions that are often examined separately: the transnational dimension of criminal conduct, the network structure of organized criminal responsibility, and the asset-recovery dimension of criminal enforcement. Rather than viewing transnational organized crime merely as a collection of offenses involving multiple jurisdictions, this study conceptualizes it as a network-based criminal phenomenon sustained by organizational relationships and financial resources. Based on this conceptualization, the study develops an integrated legal reform model combining network criminal liability with an asset-oriented enforcement strategy.

This perspective is important because the effectiveness of criminal enforcement should not be understood solely through the prosecution of individual perpetrators. When criminal organizations retain financial resources, operational networks, logistical infrastructure, and connections with legitimate economic structures, the prosecution of individual members may not necessarily dismantle the broader criminal enterprise. Conversely, asset confiscation without an adequate framework for establishing responsibility within criminal networks may fail to reach organizers, financiers, controllers, and facilitators who intentionally distance themselves from the direct commission of predicate offenses. The integration of network analysis and asset-oriented enforcement therefore offers a potentially more comprehensive framework for understanding and addressing contemporary organized criminality (Bouchard: 2020; Kruisbergen et al.: 2016; von Lampe: 2026).

Accordingly, this study seeks to analyze the conceptual and structural relationship between transnational crime and organized crime, examine the adequacy of relevant international and Indonesian legal frameworks, and formulate a legal reform model capable of strengthening Indonesia's response to transnational organized crime. Particular attention is given to the implementation of UNTOC, the construction of criminal responsibility within organized networks, asset tracing and recovery, institutional coordination, and international legal cooperation.

Based on these considerations, this study addresses the following research questions:

1. What is the conceptual and structural relationship between transnational crime and organized crime, particularly in the context of contemporary network-based criminal organizations?
2. How do international legal instruments and the Indonesian national legal framework regulate transnational organized crime, criminal responsibility, international cooperation, and the recovery of criminal assets?
3. What integrated legal reform model, particularly one based on network criminal liability and asset recovery, should be developed to strengthen Indonesia's legal response to transnational organized crime?

By addressing these questions, this study seeks to move beyond an offense-centered understanding of transnational criminality toward an integrated legal model that recognizes the interconnected nature of criminal actors, organizational networks, financial resources, and cross-border operations. Such an approach is expected to contribute theoretically to the development of transnational organized crime scholarship and practically to the formulation of a more coherent legal framework for implementing Indonesia's obligations under UNTOC.

Research Methods

This study employs normative legal research, also commonly referred to as doctrinal legal research, to examine the legal framework governing transnational organized crime and to formulate an integrated model of legal reform for Indonesia. Normative legal research is appropriate for this study because the primary objects of analysis are legal norms, principles, doctrines, statutory provisions, international legal instruments, and the relationships among different legal rules governing organized criminal activities. Doctrinal legal research generally involves identifying authoritative legal sources, interpreting their content, systematically organizing applicable legal rules, and critically examining their coherence and development within a particular field of law (Hutchinson & Duncan: 2012).

The normative character of this research does not mean that the study merely describes existing legal provisions. Rather, the research combines descriptive, analytical, evaluative, and prescriptive dimensions. The descriptive dimension identifies the existing legal architecture governing transnational organized crime; the analytical dimension examines the relationships among relevant legal norms and doctrines; the evaluative dimension assesses gaps, inconsistencies, fragmentation, and limitations within the existing framework; and the prescriptive dimension formulates recommendations for legal reform. This approach is particularly appropriate where legal research seeks not only to determine what the law currently provides but also to identify weaknesses in the existing regulatory structure and develop a reasoned proposal concerning how the law should be improved (Hutchinson & Duncan: 2012).

Three principal approaches are employed in this study: the statutory approach, conceptual approach, and comparative approach. These approaches are applied in an integrated manner because the legal problems associated with transnational organized crime cannot adequately be examined solely through the interpretation of individual statutory provisions. The phenomenon involves interactions between domestic criminal law, international law, institutional arrangements, criminal liability, international cooperation, and mechanisms for identifying and recovering proceeds of crime.

1. Statutory Approach

The statutory approach is employed to identify, examine, and systematically interpret national legislation and international legal instruments relevant to transnational organized crime. This approach focuses on the legal norms governing the definition and criminalization of organized criminal conduct, participation in criminal organizations, money laundering, confiscation and seizure of criminal

proceeds, mutual legal assistance, extradition, international law-enforcement cooperation, and other mechanisms relevant to the prevention and suppression of transnational organized crime.

At the international level, the principal legal instrument examined is the United Nations Convention against Transnational Organized Crime (UNTOC) and its related legal framework. UNTOC provides the central international framework for criminalization and international cooperation concerning transnational organized crime, including provisions relating to participation in organized criminal groups, money laundering, corruption, obstruction of justice, confiscation and seizure, extradition, mutual legal assistance, and law-enforcement cooperation (United Nations: 2000). Relevant legislative guides, model legislative provisions, case digests, and other interpretative materials developed by the United Nations Office on Drugs and Crime are also utilized to clarify the implementation and practical application of the Convention (UNODC: 2012; UNODC: 2020).

At the national level, the analysis begins with Law Number 5 of 2009 concerning the Ratification of the United Nations Convention against Transnational Organized Crime, which constitutes the principal legal basis for Indonesia's formal acceptance of UNTOC (Republic of Indonesia: 2009). The study subsequently examines relevant Indonesian legislation governing specific forms or dimensions of transnational organized criminality, particularly legislation concerning money laundering, corruption, narcotics, trafficking in persons, immigration-related offenses, cybercrime, mutual legal assistance, extradition, corporate criminal liability, and the confiscation or recovery of criminal assets.

The statutory analysis is conducted not merely by examining each legal instrument independently, but by evaluating the relationships among those instruments. Particular attention is given to whether existing legislation provides consistent definitions, compatible mechanisms of criminal liability, adequate procedures for tracing and confiscating criminal proceeds, and sufficient legal foundations for cooperation among national and international authorities. This systematic examination is necessary because transnational organized crime frequently involves several interconnected offenses governed by different legislative regimes.

Accordingly, the statutory approach is also employed to identify potential normative fragmentation, regulatory overlap, legal gaps, and inconsistencies within Indonesia's existing framework. The analysis examines whether the sectoral nature of Indonesian criminal legislation provides an integrated response to organized criminal networks or whether existing provisions remain predominantly offense-oriented and fragmented across different statutes.

2. Conceptual Approach

The conceptual approach is employed to examine the theoretical and doctrinal foundations underlying the principal legal concepts used in this study. Legal concepts cannot always be understood exclusively through statutory definitions because their meaning and scope are also developed through legal doctrine, academic scholarship, international legal interpretation, and comparative jurisprudence.

This approach therefore examines the concepts of transnational crime, organized crime, transnational organized crime, organized criminal groups, criminal networks, participation in criminal organizations, collective criminality, corporate criminal liability, network criminal liability, proceeds of crime, confiscation, and asset recovery. The analysis seeks to determine how these concepts relate to one another and how they can be integrated into a coherent legal framework.

Particular attention is devoted to the distinction between the transnational character of an offense and the organizational character of criminal activity. Transnationality primarily refers to the cross-border dimensions of criminal conduct, preparation, participation, control, or consequences, whereas organized crime concerns the structured and coordinated participation of multiple actors pursuing criminal objectives. UNTOC itself reflects both dimensions through its definitions and scope of application (United Nations: 2000). Understanding their conceptual relationship is essential for determining whether existing legal frameworks adequately address criminal conduct that simultaneously involves cross-border operations and organized criminal structures.

The conceptual approach is further used to develop the notion of network criminal liability advanced in this study. Contemporary organized criminality may involve flexible relationships among organizers, financiers, intermediaries, facilitators, professional service providers, corporate actors, and direct perpetrators. Consequently, legal analysis must consider whether traditional models of participation and individual criminal responsibility adequately capture the differentiated roles performed within criminal networks.

This analysis does not seek to replace individual criminal responsibility with collective guilt. Instead, network criminal liability is examined within the established principles of legality, culpability, proportionality, and due process. The purpose is to determine whether liability can be structured in a manner that recognizes intentional contributions to organized criminal activities while maintaining appropriate safeguards against excessively broad attribution of criminal responsibility.

The same conceptual approach is applied to asset recovery. In this study, asset recovery is not treated merely as a procedural consequence following conviction but as an integral component of the legal strategy for dismantling organized criminal enterprises. The analysis therefore examines the conceptual relationship between predicate offenses, criminal proceeds, money laundering, tracing, freezing, seizure, confiscation, international cooperation, and the eventual recovery or disposition of criminal assets.

3. Comparative Approach

The third methodological component is the comparative legal approach. Comparative legal research enables researchers to examine how similar legal problems are addressed by different legal systems and to identify similarities, differences, regulatory alternatives, and potentially transferable legal mechanisms. Comparative analysis should not merely juxtapose statutory provisions; rather, it should examine legal rules according to the functions they perform within their respective legal systems (Zweigert & Kötz: 1998).

The comparative analysis in this study focuses selectively on legal frameworks and mechanisms developed in the United States, selected European Union jurisdictions and the broader European Union legal framework, and Australia. These jurisdictions are not examined for the purpose of determining which legal system is superior. Rather, they are selected because they provide relevant comparative experiences concerning organized crime, participation in criminal enterprises, confiscation and recovery of criminal assets, corporate and associative liability, financial investigation, and mechanisms for cross-border criminal cooperation.

The United States is examined particularly in relation to legal mechanisms addressing organized criminal enterprises and patterns of participation extending beyond the direct commission of individual predicate offenses. The analysis considers how legal mechanisms directed at criminal enterprises conceptualize relationships among predicate offenses, organizational structures, and participating actors.

The European comparative dimension focuses on legal mechanisms concerning organized crime, confiscation, asset recovery, financial investigation, and judicial cooperation. Particular attention is given to the manner in which European legal frameworks attempt to facilitate cooperation across national jurisdictions while preserving the procedural safeguards embedded within national and regional legal systems.

Australia is included because its legal framework provides a relevant common-law comparison in the Asia-Pacific context, particularly regarding serious and organized crime, proceeds-of-crime mechanisms, financial investigations, and confiscation. Its geographical and regional position also provides a useful comparative perspective for Indonesia in addressing criminal activities with significant cross-border dimensions.

The comparative analysis is conducted functionally rather than through simple textual comparison. Each jurisdiction is assessed according to common analytical criteria, including: (1) the

legal definition or conceptualization of organized criminal activity; (2) mechanisms for establishing criminal responsibility for participation in criminal organizations or networks; (3) treatment of organizers, financiers, facilitators, and corporate actors; (4) mechanisms for tracing, freezing, confiscating, and recovering criminal assets; (5) institutional arrangements for investigation and prosecution; and (6) mechanisms for international criminal cooperation.

Through these common criteria, the comparative analysis seeks to identify legal mechanisms that may provide useful lessons for Indonesia while remaining attentive to differences in constitutional structures, criminal justice traditions, procedural safeguards, and institutional capacities. Consequently, foreign legal models are not assumed to be directly transplantable into Indonesian law. Comparative findings are instead evaluated according to their functional relevance and compatibility with Indonesia's legal system.

4. Legal Materials

The legal materials used in this study are classified into primary and secondary legal materials. Primary legal materials constitute the authoritative normative foundation of the analysis, whereas secondary legal materials are used to interpret, contextualize, critically evaluate, and develop arguments concerning the primary materials.

The primary legal materials include international conventions, national legislation, regulations, official legal documents, and other authoritative instruments directly relevant to transnational organized crime. Particular emphasis is placed on UNTOC and relevant Indonesian legislation, together with legislation and official legal instruments from the jurisdictions selected for comparative analysis. Where relevant, judicial decisions and authoritative institutional documents are also examined to understand the interpretation and implementation of applicable legal rules.

The secondary legal materials consist primarily of peer-reviewed journal articles, scholarly books and monographs, legal commentaries, research reports, and publications issued by recognized international and governmental organizations. Academic sources are selected based on their relevance to the research questions and their contribution to the conceptual development of organized crime, criminal networks, criminal liability, comparative criminal law, financial investigation, confiscation, and asset recovery.

Reports and analytical materials published by organizations such as the United Nations Office on Drugs and Crime (UNODC) are utilized particularly where they provide authoritative explanations of UNTOC, legislative implementation, organized crime patterns, international cooperation, or practical challenges encountered by states. UNODC maintains legislative guides, model provisions, case digests, and other materials specifically designed to assist states in implementing international legal obligations relating to organized crime (UNODC: 2012; UNODC: 2020).

The selection of legal materials is based on authority, relevance, authenticity, and analytical significance. Priority is given to official legal texts and authoritative databases for primary materials and to peer-reviewed academic publications and recognized institutional reports for secondary materials. Recent scholarship is prioritized where contemporary developments are relevant, while older sources are retained where they constitute foundational works in doctrinal or comparative legal methodology.

5. Collection and Analysis of Legal Materials

Legal materials are collected through documentary legal research. Relevant materials are identified and classified according to the principal themes of the study, namely: (1) transnational organized crime; (2) organized criminal structures and networks; (3) criminal participation and liability; (4) money laundering and financial investigation; (5) confiscation and asset recovery; (6) international criminal cooperation; and (7) legal and institutional reform.

The collected legal materials are subsequently analyzed qualitatively. Qualitative legal analysis is appropriate because the purpose of the research is not to quantify the frequency of criminal offenses

or statistically measure law-enforcement outcomes, but to examine the meaning, coherence, scope, and interaction of legal norms and doctrines.

The first stage of analysis involves legal identification and classification, through which relevant legal rules and concepts are organized according to the research questions. The second stage consists of systematic interpretation, in which individual legal provisions are interpreted in relation to other provisions within the same legal instrument and within the broader legal framework. This process is particularly important for examining whether provisions governing organized crime, money laundering, criminal participation, confiscation, and international cooperation function coherently as part of an integrated legal system.

The third stage involves doctrinal and conceptual analysis. At this stage, legal principles and scholarly doctrines are used to interpret the scope and implications of existing rules. Contradictions, ambiguities, normative gaps, and inconsistencies are identified and evaluated against the objectives of combating transnational organized crime and the legal obligations arising from relevant international instruments.

The fourth stage consists of comparative legal analysis, through which selected mechanisms from the United States, European jurisdictions, and Australia are examined according to the common analytical criteria established above. Comparative analysis is used to identify alternative regulatory mechanisms and determine their potential relevance to Indonesia. Comparative legal methodology is particularly useful where different legal systems confront similar functional problems through different institutional and doctrinal solutions (Zweigert & Kötz: 1998).

Finally, the study employs prescriptive legal reasoning to formulate the proposed legal reform model. The findings derived from statutory, conceptual, and comparative analyses are synthesized to determine how Indonesia's legal framework could be strengthened. The proposed model specifically evaluates the potential integration of network criminal liability and asset-oriented enforcement, supported by stronger institutional coordination and international legal cooperation.

The validity of the legal argument is maintained through source triangulation and normative consistency. Relevant propositions are examined against multiple categories of legal materials, including international instruments, domestic legislation, comparative legal materials, scholarly literature, and authoritative institutional publications. The study also distinguishes between *lex lata*—the law as it currently exists—and *lex ferenda*—the law proposed for future reform. This distinction is particularly important because the research does not merely describe Indonesia's existing legal framework but ultimately develops a prescriptive model intended to strengthen its response to transnational organized crime.

Through this methodological framework, the study combines doctrinal interpretation, conceptual analysis, and comparative legal reasoning to produce a systematic assessment of Indonesia's legal framework. The methodology is therefore designed not only to identify existing rules governing transnational organized crime but also to evaluate their coherence and formulate a legally reasoned reform model capable of responding to the networked, financial, and cross-border characteristics of contemporary organized criminality.

Results and Discussion

1. Conceptual Framework of Transnational Crime

Transnational crime represents a category of criminal conduct whose planning, execution, participants, consequences, or organizational structures extend beyond the territorial boundaries of a single state. The concept differs from purely domestic crime because the relevant criminal activities establish connections with more than one national jurisdiction. These connections may arise from the location where an offense is committed, the place where it is planned or controlled, the nationality or

location of perpetrators and victims, the movement of criminal proceeds, or the effects produced by the offense.

The United Nations Convention against Transnational Organized Crime (UNTOC) provides an important normative framework for determining when an offense is transnational in nature. Article 3(2) establishes four circumstances under which an offense is regarded as transnational: first, when it is committed in more than one state; second, when it is committed in one state but a substantial part of its preparation, planning, direction, or control takes place in another state; third, when it is committed in one state but involves an organized criminal group that engages in criminal activities in more than one state; and fourth, when it is committed in one state but produces substantial effects in another state (United Nations: 2000).

The significance of this definition lies in the fact that transnationality does not require every constituent element of a criminal offense to occur physically in several countries. A criminal act committed entirely within the territory of one state may nevertheless possess a transnational character when its preparation, organizational control, criminal network, or substantial effects extend into another jurisdiction (United Nations: 2000; UNODC: 2021). This broad formulation is particularly relevant to contemporary forms of crime involving digital communications, international financial transfers, offshore corporate arrangements, and globally distributed criminal networks.

The concept of transnational crime must therefore be distinguished from international crime in the strict sense. International crimes such as genocide, crimes against humanity, war crimes, and aggression derive their international character principally from international law itself. Transnational crimes, by contrast, generally remain offenses prosecuted under domestic criminal law, although their cross-border characteristics require international legal cooperation. Consequently, the effectiveness of enforcement depends heavily upon the interaction between national criminal justice systems and international cooperation mechanisms.

This characteristic creates a fundamental jurisdictional challenge. Criminal justice institutions remain predominantly organized according to territorial sovereignty, whereas transnational criminal activities increasingly transcend territorial boundaries. Investigators may confront situations in which offenders are located in one country, victims in another, digital evidence is stored in a third jurisdiction, financial transactions pass through several additional jurisdictions, and proceeds are ultimately concealed through corporate entities or financial accounts elsewhere.

The result is a structural asymmetry between territorial law enforcement and transnational criminal operations. The territorial nature of state authority can limit investigative powers, while criminal networks can exploit jurisdictional boundaries to distribute their activities and reduce exposure to enforcement. Mutual legal assistance, extradition, information exchange, joint investigations, and cross-border asset tracing consequently become central rather than peripheral components of the criminal justice response to transnational crime.

The findings of this study therefore indicate that transnationality should not be understood merely as a geographical characteristic of crime. It constitutes a jurisdictional and operational characteristic that directly affects investigation, prosecution, evidence gathering, confiscation, and international cooperation. This understanding provides the first conceptual foundation for linking transnational crime with organized crime.

2. Conceptual Framework of Organized Crime

Organized crime introduces a different but closely related analytical dimension. Whereas transnational crime emphasizes the cross-border characteristics of criminal conduct, organized crime

concerns the structural organization, continuity, coordination, and objectives of collective criminal activity.

Article 2(a) of UNTOC defines an organized criminal group as a structured group consisting of three or more persons, existing for a period of time and acting together with the objective of committing serious crimes or offenses established under the Convention in order to obtain, directly or indirectly, financial or other material benefits (United Nations: 2000). UNTOC further clarifies that a structured group does not require formally defined roles, continuity of membership, or a highly developed organizational structure (United Nations: 2000; UNODC: 2021).

This formulation is particularly significant because it avoids limiting organized crime to conventional hierarchical organizations. Historically, organized crime was frequently associated with stable hierarchical organizations characterized by identifiable leadership, internal discipline, differentiated functions, territorial control, and relatively stable membership. Contemporary criminological research, however, demonstrates that criminal cooperation can also develop through more flexible networks connecting offenders, intermediaries, facilitators, legitimate businesses, and professional actors (Bouchard: 2020).

Network analysis has consequently become increasingly important for understanding contemporary organized crime. Rather than assuming that all criminal organizations operate through rigid hierarchies, the network perspective examines relationships among participants, the distribution of resources and information, the position of central and peripheral actors, and connections between criminal and legitimate social structures (Bouchard: 2020). Organized criminal groups may therefore exhibit hierarchical, networked, cellular, market-oriented, or hybrid structures depending on the nature of their activities.

Recent research also demonstrates that the structure of organized crime can vary according to the functions performed by criminal organizations. Organizations primarily engaged in illicit trade may develop different network characteristics from organizations that exercise governance or territorial control. Consequently, organizational structures should be analyzed according to the particular activities and functions performed by criminal groups rather than through a single universal organizational model (Breuer & Varese: 2023).

Digitalization has accelerated this transformation. Secure or encrypted communication, online platforms, virtual assets, electronic payment systems, and other digital infrastructures can facilitate coordination among geographically dispersed participants without requiring continuous physical interaction. Criminal actors may therefore cooperate across national borders while maintaining relatively decentralized organizational structures.

The conceptual implication is important for criminal law. A legal framework designed primarily to identify direct perpetrators may be insufficient where criminal activities are distributed among organizers, financiers, recruiters, logistics providers, intermediaries, professional facilitators, corporate entities, and actors responsible for concealing criminal proceeds. Effective legal responses therefore require the ability to distinguish among different levels and forms of participation while preserving the principles of individual culpability and due process.

3. Structural Relationship Between Transnational Crime and Organized Crime

The findings of this study demonstrate that the relationship between transnational crime and organized crime is fundamentally structural and functional rather than merely terminological. The two concepts describe different dimensions of criminality, but these dimensions frequently intersect in practice.

Transnational crime identifies the cross-border dimension of criminal conduct, whereas organized crime identifies the collective and organizational dimension through which criminal conduct is planned, financed, executed, protected, and sustained. When these two dimensions converge, transnational organized crime emerges as a criminal system involving both cross-border operations and organized structures.

Many serious transnational criminal activities require organizational infrastructure capable of sustaining operations across multiple jurisdictions. Drug trafficking, trafficking in persons, migrant smuggling, environmental crime, cyber-enabled fraud, money laundering, illicit trade, and other criminal markets may require transportation systems, recruitment networks, financial resources, communication channels, intermediaries, document providers, corrupt facilitators, and mechanisms for laundering proceeds.

The organizational structure underlying such criminal activities may be conceptualized through five interconnected components. First, operational networks execute or facilitate predicate criminal activities. Second, financial networks collect, transfer, conceal, and reinvest criminal proceeds. Third, logistical networks facilitate movement of persons, commodities, documents, or digital resources. Fourth, facilitation networks may provide access to professional services, legitimate businesses, documentation, technology, or corrupt relationships. Fifth, cross-border networks connect these activities across jurisdictions.

This structural relationship explains why prosecuting isolated offenders may not necessarily dismantle an organized criminal enterprise. Removing a courier, recruiter, or low-level operator does not automatically eliminate the organizers, financial infrastructure, communication systems, or other actors sustaining the network. Flexible criminal organizations may replace peripheral actors while preserving the core infrastructure required for continued operations.

The findings therefore support a shift from an exclusively offender-centered approach toward a network-centered approach. This does not imply collective punishment. Instead, it requires identifying the individual criminal responsibility of actors according to their actual roles and intentional contributions to the network.

In this context, the concept of network criminal liability developed in this study provides an analytical bridge between individual responsibility and the collective structure of organized crime. It seeks to identify organizers, controllers, financiers, facilitators, beneficial owners, professional enablers, and other actors whose intentional contributions sustain criminal operations even where they are separated from the direct execution of predicate offenses.

4. Comparative Legal Analysis

The comparative analysis reveals different approaches to addressing the organizational and financial dimensions of transnational organized crime. The United States, European Union, Australia, and Singapore provide relevant examples of legal mechanisms that move beyond conventional prosecution of individual predicate offenses.

a. United States

The United States provides an important example through the Racketeer Influenced and Corrupt Organizations Act (RICO). RICO prohibits specified forms of participation in an enterprise through a pattern of racketeering activity and enables prosecutors to address relationships among an enterprise, participating actors, and multiple predicate criminal activities (United States Congress: 1970).

Under 18 U.S.C. § 1962(c), liability may arise where a person employed by or associated with an enterprise affecting interstate or foreign commerce conducts or participates in the enterprise's affairs through a pattern of racketeering activity. The concept of a pattern requires predicate offenses and an element of relationship and continuity developed through statutory and judicial interpretation (U.S. Department of Justice: 2020).

The relevance of RICO to the present study is its focus on the enterprise and pattern of criminal activity, rather than treating every predicate offense as an entirely isolated event. This enables legal analysis to capture relationships among actors and repeated criminal conduct occurring through an organizational structure.

RICO also operates alongside forfeiture mechanisms. The United States Supreme Court has recognized the substantial reach of RICO forfeiture in relation to interests and proceeds associated with racketeering activities (*Russello v. United States*: 1983). Thus, the American framework demonstrates how organizational liability and economic disruption can operate within the same enforcement strategy.

However, the United States model cannot simply be transplanted into Indonesian law. Its operation depends upon the particular structure of American federal criminal law, prosecutorial practice, evidentiary rules, constitutional safeguards, and judicial doctrine. Its comparative value therefore lies primarily in demonstrating how criminal law can focus simultaneously on predicate offenses, patterns of criminal conduct, enterprises, participating actors, and economic interests.

b. European Union

The European Union provides a different model based heavily on institutional integration and cross-border cooperation. Because organized criminal networks may operate simultaneously across several Member States, the European legal framework has developed mechanisms intended to reduce barriers created by separate national jurisdictions.

Europol facilitates law-enforcement cooperation and intelligence exchange, while Eurojust supports coordination among national judicial and prosecutorial authorities. Joint Investigation Teams (JITs) provide an advanced mechanism through which competent authorities from two or more states can establish a joint structure for conducting criminal investigations for a specified period and purpose (Eurojust: 2021).

The European framework has also increasingly emphasized asset recovery. Directive (EU) 2024/1260 on asset recovery and confiscation establishes minimum rules concerning tracing and identification, freezing, confiscation, and management of property. It also requires Member States to establish at least one Asset Recovery Office to facilitate cross-border cooperation in asset-tracing investigations (European Parliament & Council: 2024).

This development is particularly relevant to the present study because it demonstrates that asset recovery is being institutionalized as part of the broader response to organized crime rather than treated solely as an ancillary consequence of prosecution. The Directive expressly recognizes the need for rapid identification and tracing of criminal property, freezing mechanisms to prevent dissipation, confiscation, and effective management of frozen and confiscated property (European Parliament & Council: 2024).

The principal comparative lesson for Indonesia is therefore not the wholesale adoption of European institutions. Rather, it is the integration of criminal investigation, judicial cooperation, financial intelligence, asset tracing, and cross-border coordination within a coherent institutional framework.

c. Australia

Australia provides another significant comparative model through the Proceeds of Crime Act 2002 (Cth). The Act establishes a comprehensive federal framework for restraining and confiscating proceeds and instruments of crime and contains mechanisms relating to forfeiture, pecuniary penalty orders, information gathering, and unexplained wealth (Commonwealth of Australia: 2002).

Importantly, the Australian regime is not limited to traditional post-conviction confiscation. The legislation provides mechanisms under which forfeiture may occur without conviction in specified circumstances and contains a dedicated regime for unexplained wealth orders. It also enables authorities to obtain information relevant to tracing property and financial transactions (Commonwealth of Australia: 2002).

The statutory objectives expressly include depriving persons of unexplained wealth connected with specified offenses, preventing reinvestment of criminal proceeds in further criminal activities, undermining the profitability of criminal enterprises, and enabling law-enforcement authorities to trace relevant property (Commonwealth of Australia: 2002).

Australia therefore demonstrates the strategic role of proceeds-of-crime legislation as an independent enforcement architecture. Its relevance to Indonesia lies in illustrating how financial investigation and confiscation can be structured as central components of serious-organized-crime enforcement rather than as mechanisms activated only after conventional prosecution has concluded.

d. Singapore

Singapore offers a relevant regional comparison because of its strong emphasis on financial crime enforcement and confiscation. A central statutory instrument is the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (CDSA), which provides mechanisms for combating money laundering and confiscating benefits derived from serious criminal activities (Republic of Singapore: 1992).

The legislation has continued to evolve. Amendments enacted in 2023 and brought into operation in 2024 strengthened aspects of the framework aimed at preventing the facilitation of scams and movement of criminal proceeds (Republic of Singapore: 2023).

Singapore's comparative significance therefore lies particularly in the connection between financial investigation, anti-money-laundering controls, criminalization of facilitation, and confiscation of criminal benefits. As a major financial center within Southeast Asia, its legal experience is relevant when considering regional approaches to illicit financial flows and transnational criminal proceeds.

e. Indonesia

Indonesia has established substantial legal foundations for addressing different forms of transnational crime. Ratification of UNTOC through Law Number 5 of 2009 represents Indonesia's formal commitment to the international legal framework governing transnational organized crime (Republic of Indonesia: 2009).

Indonesia also regulates money laundering through Law Number 8 of 2010 concerning the Prevention and Eradication of the Criminal Act of Money Laundering. The statute recognizes the importance of tracing and recovering assets constituting proceeds of crime and establishes a significant legal foundation for Indonesia's financial-intelligence and anti-money-laundering regime (Republic of Indonesia: 2010).

In addition, specific forms of serious and transnational criminality are governed by sectoral statutes concerning corruption, narcotics, trafficking in persons, immigration, terrorism financing,

cyber-related offenses, and other areas. These instruments provide important substantive and procedural powers. Nevertheless, the analysis in this study identifies fragmentation as an important structural issue.

Fragmentation does not necessarily mean the absence of regulation. On the contrary, Indonesia possesses numerous statutes relevant to transnational organized crime. The difficulty lies in whether these statutes collectively constitute an integrated legal architecture capable of addressing criminal networks as networks rather than merely prosecuting individual offenses according to separate sectoral laws.

Consequently, Indonesia's central challenge is one of integration and harmonization. The relevant question is whether the existing framework sufficiently connects criminal participation, corporate involvement, beneficial ownership, financial intelligence, asset recovery, cross-border evidence, mutual legal assistance, and institutional coordination.

Table 1. Comparative Framework of Legal Responses to Transnational Organized Crime

Jurisdiction	Principal Legal/Institutional Framework	Principal Mechanisms	Comparative Relevance
United States	RICO, 18 U.S.C. §§ 1961–1968; federal forfeiture framework	Enterprise/pattern-based prosecution; conspiracy; forfeiture; financial investigation	Links predicate crimes to an enterprise and patterns of racketeering activity
European Union	Europol; Eurojust; JIT framework; Directive (EU) 2024/1260	Joint investigations; judicial coordination; intelligence exchange; Asset Recovery Offices; tracing, freezing and confiscation	Integrates cross-border investigation and asset recovery
Australia	*Proceeds of Crime Act 2002 (Cth)*	Restraining orders; forfeiture; pecuniary penalty orders; unexplained wealth; information-gathering mechanisms	Treats disruption of criminal wealth as a major enforcement strategy
Singapore	CDSA 1992 and subsequent amendments	Financial investigation; anti-money-laundering measures; confiscation of criminal benefits	Strong connection between financial-crime controls and proceeds-of-crime enforcement
Indonesia	Law No. 5/2009; Law No. 8/2010 and sectoral criminal statutes	Criminal prosecution; AML/financial intelligence; asset tracing; international cooperation	Substantial sectoral framework, but greater normative and institutional integration is required

Source: Authors' analysis based on the relevant legislation and institutional frameworks (United Nations: 2000; Republic of Indonesia: 2009; Republic of Indonesia: 2010; Commonwealth of Australia: 2002; European Parliament & Council: 2024; Republic of Singapore: 1992).

5. Asset Recovery as a Strategic Enforcement Tool

The comparative findings reveal a common principle: contemporary strategies against organized crime increasingly recognize that criminal organizations must be confronted not only through the prosecution of individuals but also through disruption of their economic infrastructure.

The economic rationale is straightforward. Organized criminal enterprises require financial resources to sustain operations. Criminal proceeds can finance recruitment, transportation,

technological infrastructure, corruption, acquisition of legitimate businesses, concealment mechanisms, and subsequent criminal activity. Consequently, allowing criminal organizations to retain economic benefits may preserve their operational capacity even where individual members are prosecuted.

This consideration underlies the "follow the money" approach, which shifts part of the investigative focus from identifying only the physical perpetrators of an offense toward identifying the financial flows generated by criminal activity. The approach involves tracing criminal proceeds, examining financial transactions, identifying beneficial ownership and effective control over property, freezing assets at risk of dissipation, confiscating criminal proceeds or instrumentalities where legally authorized, and facilitating cross-border recovery.

Nevertheless, asset recovery should not be idealized as an automatically effective solution. Empirical research demonstrates substantial attrition between estimated criminal profits, confiscation orders, and the amount ultimately recovered by the state. Research based on organized-crime cases in the Netherlands, for example, identified significant practical difficulties in translating estimated illicit profits into actual recovered assets (Kruisbergen et al.: 2016).

This finding is crucial for legal reform. Expanding confiscation powers alone is insufficient if law-enforcement authorities cannot rapidly identify assets, establish beneficial ownership, access relevant financial information, freeze property before dissipation, cooperate with foreign authorities, and effectively enforce confiscation orders.

The European Union's recent approach reflects this logic by integrating asset tracing, freezing, confiscation, management, and Asset Recovery Offices within a broader framework (European Parliament & Council: 2024). Australia's framework similarly combines confiscation with extensive information-gathering and unexplained-wealth mechanisms (Commonwealth of Australia: 2002).

For Indonesia, Law Number 8 of 2010 already provides an important foundation for tracing and recovering assets associated with money laundering and recognizes the role of financial intelligence in combating illicit financial flows (Republic of Indonesia: 2010). The next challenge is to connect this financial architecture more systematically with the broader legal response to organized criminal networks.

Accordingly, asset recovery should be understood as a strategic enforcement pillar consisting of at least four stages:

financial identification → tracing and investigation → preservation/freezing → confiscation and recovery.

Failure at any one of these stages may permit criminal wealth to disappear, be transferred to third parties, converted into different asset classes, or moved abroad.

6. Proposed Legal Reform Model for Indonesia

Based on the conceptual and comparative findings, this study proposes an Integrated Network and Asset-Based Legal Reform Model for Indonesia. The model is built on the premise that transnational organized crime should be addressed simultaneously through criminal-network disruption, financial disruption, legal harmonization, institutional coordination, and international cooperation.

a. Harmonization of Criminal Legislation

The first pillar concerns normative harmonization. Indonesia does not necessarily require the replacement of all sectoral criminal statutes with a single law. Rather, the legal system requires a coherent overarching framework establishing how provisions concerning organized criminal groups,

participation, corporate liability, money laundering, asset recovery, mutual legal assistance, and sector-specific predicate offenses interact.

Such harmonization should begin with the conceptual framework established by UNTOC, particularly the distinction between an organized criminal group, serious crime, structured group, and transnational offense (United Nations: 2000). The purpose should be to minimize normative gaps through which actors performing different functions within the same criminal enterprise are treated as legally unrelated.

A harmonized framework should also establish clear connections between predicate offenses and subsequent financial conduct. Investigators and prosecutors should be able to examine the criminal enterprise as an integrated structure consisting of predicate criminality, organizational participation, financial flows, corporate structures, and concealment mechanisms.

b. Strengthening Asset Recovery Regimes

The second pillar is the strengthening of asset recovery. Indonesia should further develop mechanisms enabling authorities to identify and preserve suspected criminal assets at an early stage while ensuring judicial oversight and protection of legitimate third-party interests.

Comparative experience demonstrates that modern proceeds-of-crime systems may incorporate conviction-based confiscation alongside carefully regulated mechanisms not entirely dependent on a prior criminal conviction in appropriate circumstances. Australia's unexplained-wealth framework and the European Union's evolving confiscation regime demonstrate different approaches to strengthening the capacity of states to target assets connected with serious criminality (Commonwealth of Australia: 2002; European Parliament & Council: 2024).

For Indonesia, any expansion of non-conviction-based mechanisms should be accompanied by explicit procedural safeguards, judicial authorization, evidentiary standards, proportionality requirements, protection of bona fide third parties, and effective avenues for challenge. Asset-oriented enforcement must strengthen criminal justice without sacrificing due process and property rights.

c. Enhanced International Cooperation

The third pillar concerns international legal cooperation. Transnational organized crime cannot be effectively addressed where national authorities remain isolated within domestic procedural systems. Indonesia should continue strengthening the operational effectiveness of mutual legal assistance, extradition, cross-border evidence gathering, asset tracing, recognition and enforcement of foreign confiscation requests, and law-enforcement information exchange.

The European experience with Joint Investigation Teams is particularly instructive. JITs enable competent authorities from multiple states to establish a coordinated investigative structure for a defined purpose and period, reducing some of the practical obstacles associated with sequential requests for international assistance (Eurojust: 2021). For Indonesia, the relevant lesson is the potential value of more operationally integrated investigative cooperation, subject to domestic law and applicable bilateral, regional, or multilateral agreements.

d. Recognition of Network Criminal Liability

The fourth pillar is network criminal liability, which constitutes a central contribution of this study. The proposed model does not create liability merely because an individual has social, professional, or financial connections with a criminal actor. Such an approach would be inconsistent with individual culpability and due process. Liability must instead depend upon legally defined forms of intentional or otherwise culpable participation in the criminal enterprise.

The model distinguishes several functional categories of participants:

1) direct perpetrators, who execute predicate criminal offenses;
2) organizers or controllers, who direct or coordinate criminal activities;
3) financiers, who knowingly provide or manage resources supporting criminal operations;
4) facilitators and intermediaries, who intentionally provide essential logistical, technological, documentary, or professional assistance;
5) corporate actors, where legal entities or their controlling persons knowingly facilitate or benefit from criminal activities; and
6) beneficial controllers, where persons intentionally conceal effective ownership or control over assets used in or derived from criminal activities.

The comparative significance of RICO lies in demonstrating how the law can focus upon relationships between actors, enterprises, and patterns of criminal conduct rather than only isolated predicate offenses (U.S. Department of Justice: 2020). However, an Indonesian model should be designed according to Indonesia's own principles of criminal responsibility rather than reproducing American doctrine.

The proposed concept can therefore be expressed as: Network Criminal Liability = Culpable Participation + Functional Contribution + Connection to the Criminal Network + Required Mens Rea. This formulation preserves individual responsibility while recognizing that organized criminal enterprises depend upon differentiated roles.

e. Integration of Financial Intelligence

The fifth pillar concerns the integration of financial intelligence into criminal investigation from the earliest stages. Financial investigation should not commence only after the predicate offense has been fully investigated. Parallel financial investigation can help identify relationships among suspects, uncover previously unknown participants, trace proceeds, identify beneficial ownership, locate assets, and reveal links between criminal and legitimate business structures.

Indonesia's Law Number 8 of 2010 provides a significant legal foundation for financial-intelligence-based enforcement and asset tracing (Republic of Indonesia: 2010). The reform challenge is therefore to ensure systematic integration between financial intelligence and investigations into organized criminal networks. This requires effective information exchange among relevant authorities, clear institutional responsibilities, secure mechanisms for handling financial intelligence, appropriate access to ownership information, and sufficient analytical capacity to examine complex financial transactions.

7. Harmonized Framework for International Criminal Law Enforcement

The model improves upon a linear understanding of transnational organized crime enforcement. Asset recovery, international cooperation, financial intelligence, and criminal liability should not operate as independent mechanisms. They should interact within a unified legal and institutional architecture.

The first layer identifies transnational crime as the jurisdictional context. The second identifies the organized criminal network as the structural object of enforcement. The third introduces three mutually reinforcing interventions: network-based liability, financial disruption, and cross-border cooperation. Financial intelligence and asset recovery operate within the financial-disruption

component but also generate information relevant to criminal-network identification and international investigations.

Legal harmonization connects these enforcement mechanisms at the normative level, while institutional integration connects the agencies responsible for implementation. The ultimate objective is therefore not merely the conviction of individual offenders but the sustainable disruption of the organizational and economic capacity of transnational criminal networks.

8. Theoretical and Practical Implications of the Findings

The principal theoretical finding of this study is that transnational organized crime should be conceptualized as the intersection of three structures: jurisdictional structure, organizational structure, and financial structure.

The jurisdictional structure explains how criminal conduct transcends territorial boundaries. The organizational structure explains how multiple actors coordinate differentiated functions within criminal enterprises. The financial structure explains how illicit proceeds sustain, reproduce, and expand criminal operations.

The practical implication for Indonesia is that reform should not be confined to increasing criminal penalties. Higher sentences do not necessarily address jurisdictional fragmentation, hidden organizational structures, or the economic capacity of criminal networks. Legal reform should instead improve the state's capacity to identify networks, attribute responsibility according to functional participation, trace financial flows, preserve and recover criminal assets, and coordinate investigations across institutional and national boundaries.

This integrated model also explains the novelty of the present research. The study does not treat transnationality, organized crime, criminal liability, and asset recovery as separate legal issues. Rather, it establishes their structural interdependence and places them within a single framework for legal reform.

Accordingly, the findings indicate that Indonesia's future response to transnational organized crime should move from a predominantly offense-based model toward an integrated network-and-asset-based model. Such reform must nevertheless remain anchored in legality, individual culpability, proportionality, judicial oversight, protection of legitimate third parties, and due process. The objective is not to expand criminal liability indiscriminately, but to ensure that the legal system can respond effectively to the actual organizational and financial architecture through which contemporary transnational organized crime operates.

CONCLUSION

Transnational crime and organized crime exhibit a strong structural and functional interdependence. While transnational crime reflects the cross-border dimension of criminal activities, organized crime represents the organizational structures and networks through which such activities are planned, financed, facilitated, and sustained. Contemporary criminal networks increasingly operate through sophisticated organizational, financial, technological, and logistical infrastructures that transcend territorial boundaries. Consequently, transnational organized crime should not be understood merely as a collection of offenses committed across jurisdictions, but as an interconnected criminal system involving multiple actors, financial resources, and cross-border operational networks.

Traditional criminal justice approaches centered primarily on the prosecution and punishment of individual offenders are increasingly insufficient to address the complexity of network-based criminality. The arrest or conviction of individual perpetrators does not necessarily dismantle the organizational structure or financial capacity that enables criminal networks to continue their activities.

Effective enforcement therefore requires a more integrated approach combining legal harmonization, international cooperation, financial intelligence, institutional coordination, and strengthened mechanisms for tracing, freezing, confiscating, and recovering criminal assets.

In the Indonesian context, the existing legal framework provides important foundations for combating various forms of transnational organized crime. Nevertheless, the sectoral nature of relevant legislation may create normative and institutional fragmentation when criminal activities involve multiple offenses, actors, jurisdictions, and financial arrangements. Legal reform should therefore strengthen the integration of existing criminal legislation and develop a clearer framework for attributing responsibility not only to direct perpetrators but also to organizers, financiers, facilitators, corporate actors, and other persons who intentionally contribute to the operation of criminal networks, while maintaining the principles of legality, individual culpability, proportionality, and due process.

The principal contribution of this study lies in proposing an integrated network-and-asset-based legal reform model for combating transnational organized crime in Indonesia. The model combines network criminal liability and asset recovery with financial intelligence, international cooperation, legal harmonization, and institutional integration. By simultaneously targeting the organizational and economic foundations of criminal enterprises, this approach offers a more comprehensive framework for strengthening Indonesia's capacity to prevent, prosecute, and sustainably disrupt transnational organized crime.

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